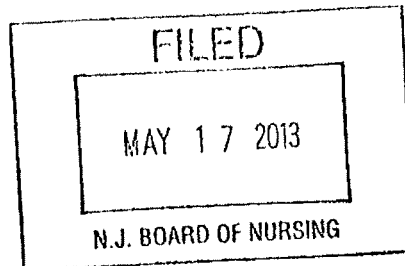
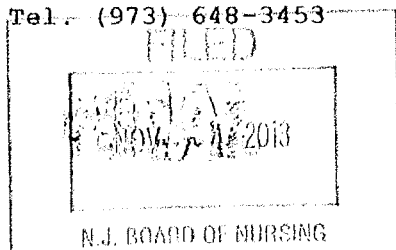


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STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION OR :
REVOCATION OF THE CERTIFICATE OF :
:
TRACY A. HAWLEY, C.H.H.A. :
Certificate No. 26NH12423400 :
:
TO PRACTICE AS A HOMEMAKER-HOME :
HEALTH AIDE IN NEW JERSEY :

Administrative Action

PROVISIONAL ORDER OF DISCIPLINE

☒ Finalized by Default on: _____
November 4, 2013

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information which the Board has reviewed and on which the following preliminary findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Tracy A. Hawley, C.H.H.A. ("Respondent") was certified as a homemaker-home health aide in the State of New Jersey on December 7, 2010 and has been certified at all times pertaining hereto. (Exhibit A, Board's L2K printout).

2. On or about August 28, 2012, Respondent's employer, Karing with Kindness, Inc., filed a Consumer Complaint with the

Board in relation to Respondent's theft of pain medication from a client. The agency had been informed that twenty-four Oxycontin pills prescribed to the client were found to be missing and that Respondent admitted to taking the medication after being confronted by the client's spouse. In a written and signed statement, Respondent admitted to taking four or five pain medications from the client in the beginning of August 2012 in order to give them to her disabled husband. She also admitted she stole another ten to twelve pills on a separate occasion. (Exhibit B, Consumer Complaint Form, dated August 28, 2012, and documentation submitted as attachments thereto).

CONCLUSIONS OF LAW

Respondent's admission to theft of medication from a client provides grounds to take disciplinary action against Respondent's certificate to practice as homemaker-home health aide in New Jersey pursuant to N.J.S.A. 45:1-21(b), (e), and (f), in that Respondent has engaged in the use of dishonesty, fraud, deception or misrepresentation; in professional misconduct; and in acts constituting a crime or offense of moral turpitude or relating adversely to the activity regulated by the Board.

ACCORDINGLY, IT IS, on this 17th day of May 2013,

ORDERED that:

1. Respondent's certificate to practice as a homemaker-home health aide be and hereby is provisionally suspended for a minimum of two (2) years.

2. Respondent shall refrain from engaging in the practice of homemaker-home health aide and shall not represent herself as a certified homemaker-home health aide until such time as her certification is reinstated. Any practice in this State prior to such reinstatement shall constitute grounds for a charge of unlicensed practice.

3. Respondent shall remit payment of a monetary penalty pursuant to N.J.S.A. 45:1-25 in the amount of \$200.00 by certified check or money order payable to the State of New Jersey, delivered to Executive Director George Herbert, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Payment shall be made no later than fifteen (15) days after notice of the entry of any Final Order is served in this matter, including any Order which is finalized by default. In the event Respondent fails to make timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

4. Respondent may request a modification or dismissal of the above stated Findings of Fact or Conclusions of Law within 30 days of the date this Provisional Order is filed by:

a) Submitting a written request for modification or dismissal to George Herbert, Executive Director, 124 Halsey Street, 6th floor, P.O. Box 45010, Newark, New Jersey 07101.

b) Setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed.

c) Submitting any and all documents or other written evidence supporting Respondent's request for consideration and reasons therefor or offered in mitigation of penalty.

5. Any submissions will be reviewed by the Board and the Board will thereafter determine whether further proceedings are necessary. If no material discrepancies are raised through a supplemental submission during the thirty-day period, or if the Board is not persuaded that the submitted materials merit further consideration, a Final Order of Discipline will be entered.

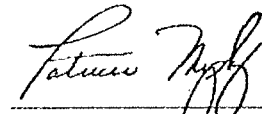
6. In the event that Respondent's submissions establish a need for further proceedings, including, but not limited to an evidentiary hearing, Respondent shall be notified with regard thereto. In the event that an evidentiary hearing is ordered, the preliminary findings of fact and conclusions of law contained herein may serve as notice of the factual and legal allegations in such proceeding. Further, in the event a hearing is held and upon review of the record, the Board shall not be limited to the findings, conclusions and sanctions stated herein.

7. In the event that the Board receives no written request for modification or dismissal within 30 days following entry of this Provisional Order, without further Board review, all referenced preliminary Findings of Fact and Conclusions of Law and all provisional sanctions or penalties imposed by this Order shall automatically become the Final Decision and Order of the Board. Thereafter, Respondent's failure to comply with any sanction or

penalty imposed by this Order shall be considered a violation of a Board Order in contravention of N.J.S.A. 45:1-21(e) and (h) and N.J.A.C. 13:45C-1.4 and may subject Respondent to additional sanction and/or penalty.

NEW JERSEY STATE BOARD OF NURSING

By:

 PhD, APN, FAAN
Patricia Murphy, PhD, APN, FAAN
Board President